

REMARKS

This Amendment is in response to the outstanding Final Official Action mailed June 13, 2006. This response is timely as the shorted statutory period for response will expire on September 13, 2006. Applicants herewith submit a Request for Continuing Examination. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has rejected claims 1-4, 6-9, 18, 21-22, and 24-30 under 35 U.S.C. § 112, as failing to comply with the written description requirement. Examiner has stated that the limitation "insert halves mateable with one another" in all the independent claims is not supported by the specification and thus constitutes new matter. Applicants respectfully maintain that the specification does indeed disclose mateable inserts. The first disclosure of mateable inserts occurs in paragraph [0020], that "[t]he inserts, when in assembled relationship, have concave outer surfaces defining a cross-sectional shape corresponding to the cross-sectional shape of the area." (Emphasis added). The second disclosure occurs in paragraph [0065], which describes a square mounting pole surrounded by a pair of inserts halves 264, 265, which, "when joined, form an inner region sized and shaped to surround the mounting pole". (Emphasis added). The third disclosure occurs in paragraph [0066], which describes a circular mounting pole surrounded by inserts halves 284, 285, which, when in an "assembled relation," similarly define an inner cross-sectional area sized and shaped to surround the mounting pole. (Emphasis added). Finally, figures 2c and 2d show mated inserts halves 264/265 and 284/285 respectively, forming an inner cross sectional area in an assembled relationship surrounding a mounting pole. Thus, the Applicants believe that the specification fully conveys mateable

insert halves to one skilled in the art, and the Examiner is respectfully requested to withdraw the rejection.

The Examiner has rejected claims 1-4 and 6-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that since the preamble of claims 1 and 8 is directed to a "mounting bracket", the recitation of an additional interchangeable insert is improper and indefinite unless the claims are directed to a "kit" rather than a "mounting bracket". In response, Applicants have amended claims 1-4, 5, and 6-9. In particular, the revised claims are directed to a "mounting kit" having interchangeable inserts, and the Applicants believe that these amendments overcome the Examiner's rejection under 35 U.S.C. § 112, and notice of that effect is respectfully requested.

The Examiner has rejected claims 1-4, 6-9, 18, 21, 22, and 24-30 under 35 U.S.C. § 103(a) as being obvious over *Morehouse* (U.S. Patent No. 2,355,742) in view of *Underwood* (UK Patent No. 2,080,676). Applicants respectfully traverse. The invention in *Morehouse* is directed to blocks for supporting and electrically grounding conduit lines to the metal frame structure of the aircraft. Thus, a critical feature of the *Morehouse* invention is the metal bonding strip 11 (seen in figure 1 and 2), which extends between block sections 1 and 2, and which is electrically grounded by bolt 5 to the metal frame of the aircraft. The metal strip 11 is interposed between the inserts and the conduits, and operates to electrically ground the conduits. Without the metal strip so interposed between the insert and the conduit, the invention in *Morehouse* would not function as disclosed. Significantly, as a result of the usage of this metal strip, which is only somewhat narrower than the insert (as disclosed on page 2 of *Morehouse* and as shown in

figures 1 and 2), only a small portion of the insert (the portion not overlaid by the metal strip) is in direct contact with the conduit, if at all. Thus, even if a person skilled in the art finds some suggestion or motivation to combine Morehouse with Underwood, which is not stipulated, that person would not contemplate a combination without using the metal strips, without which, as stated before, the Morehouse invention would not function as disclosed. Applicants have amended the independent claims to clarify that the inserts in the instant invention are in direct and substantial contact with the pipe or pole supported by the bracket. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

Furthermore, it would not be obvious to utilize the sleeves 20 and 21 of Underwood in Morehouse, notwithstanding Underwood's disclosure of sleeves of different thickness to accommodate pipes of different diameters. In this regard, Underwood in order to accommodate pipes of smaller diameter, use sleeves of different thickness. As a result of increased thickness of the sleeve, the inside diameter of the sleeve in Underwood also becomes smaller, or in the alternative as to thinner sleeves, the inside diameter increases to accommodate pipes of larger size.

As previously noted in Morehouse, it is required that a metal bonding strip 11 be provided so as to be in direct contact with the received metal conduit. That portion of the metal strip within each of the two openings forms a circular portion having a diameter corresponding to the outside diameter of the received conduit and inside diameter of its sleeve. If a different size sleeve were to be provided in Morehouse, this would also necessitate the replacement of the metal strip with one having its end portion also of a different diameter so as to engage the outer surface of the larger or smaller conduit that

is being employed. However, there is no disclosure in *Morehouse* of replacing the metal strip with another metal strip of different diameters to accommodate conduits of different size. The fact is that *Morehouse* only contemplates receiving conduits of exactly the same size in both of its side by side openings. Accordingly, it would not be possible to employ the sleeves of *Underwood* of different thickness into the *Morehouse* device without also changing the construction of the metal strips in *Morehouse*, which alteration has not been contemplated or enabled by *Morehouse*. The teachings of *Underwood* cannot therefore be combined as suggested by the Examiner to render obvious Applicants' claimed invention.

Please note that Applicants have further made changes to the claims to clarify and distinctly claim the invention, and that claims 22 and 26 have been cancelled.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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